

To: SGEN Membership

From: Staff State Energy Team

Date: October 4, 2016

Re: RSA 91a compliance and SGEN

In order to comply with RSA 91-A the state energy staff team proposes formalizing the SGEN membership by creating committee bylaws. Draft bylaws are included as **91a Appendix A**.

The following memo provides background information for SGEN to help the group decide who will be included as members, what it will define as a quorum of members, and to clarify what constitutes as a “meeting” subject to RSA-91a rules.

1. Decisions for SGEN to make:

- Who is a member?(see suggestions on page 2 of this memo)
 - Use State Energy Database data to define additional membership where “there is significant potential for energy use reduction”
 - Is large or small number of members desirable?
 - Leads and alternates for agencies?
- What will SGEN define as a quorum for its group?
 - Does the group want/need to be using formal voting process?
 - Does quorum impact the ability to vote on issues dependent on attendance?

2. What constitutes a quorum?

A quorum is the minimum number of members of an assembly that need to be present for the proceedings of a meeting to be deemed valid.

Generally a quorum can be whatever the group defines it to be. The default is typically a majority, and ***under 91-A requirements apply to whichever is fewer people- a quorum or a majority of members.***

In other words if you have a 9 person committee and define a quorum at 7 members, ***it is still a public meeting if 5 members get together.*** Conversely, if you define a quorum as 4 members, it is a public meeting if 4 members get together.

3. Language from [Attorney General Memorandum](#) regarding 91-a meeting designation:

A public body meets when:

- a. A quorum of the membership of the public body is convened in person so that all members may communicate contemporaneously (at the same time); and

- b. The purpose of convening **a quorum or a majority of the membership** is to discuss or act upon a matter or matters over which the public body has supervision, control, jurisdiction or advisory power.

4. Language from [Executive Order 2016-3](#) regarding the SGEC:

"A steering committee, referred to as the State Government Energy Committee (SGEC) shall advise the State Energy Manager and the State Fleet Manager regarding the improvement of energy management within state buildings, operations and fleets; and the development and promotion of policies to expand the State's lead by example efforts. The SGEC shall be composed of representatives of the Department of Administrative Services (DAS), the Department of Environmental Services (DES), the Public Utilities Commission (PCU), the Department of Resources and Economic Development (DRED), the Department of Safety (DOS), the Department of Transportation (DOT), the Office of Energy and Planning (OEP), and all other Agencies and Departments with significant opportunities for energy management, and shall be cochaired by the Commissioner of NHDES and the Director of OEP" (EO 16-3, 2)

Suggested potential SGEC membership:

Agencies named in EO 2016-3	
DAS Commissioner or designee	1. Mike Connor
DES Commissioner or designee	2. Tom Burack
PUC Commissioner or designee	3. Karen Cramton
DRED Commissioner or designee	4. Seth Prescott
DOT Commissioner or designee	5. Bill Cass
OEP Director or designee	6. Amanda Merrill
Other Agencies with "significant opportunity for energy management"	
DHHS Commissioner or designee	7. Heather Fairchild
DHHS Institutions Facilities Director	8. Dave Clap
DOS Commissioner or designee	9.
Corrections Commissioner or designee	10. Rick Morrill
Liquor Commissioner or designee	11.
Adjutant General Commissioner or designee	12. Warren Perry

Comment [PD1]: Do we want commissioners for all of these? Who is most appropriate person for each agency?